

**REMARKS**

Claims 1-22 remain pending in the application.

**Claims 1, 3, 5-9, 11, 13-16, 18, 20 and 22 over Okamoto**

Claims 1, 3, 5-9, 11, 13-16, 18, 20 and 22 were rejected under 35 USC 102(b) as allegedly being anticipated by U.S. Pat. No. 5,627,655 to Okamoto et al. ("Okamoto"). The Applicant respectfully traverses the rejection.

Claims 1, 3 and 5-8 recite a pre-existing electronic information signal detection element to read a pre-existing electronic information signal stored on a given storage media; and a record circuit, adapted to record on the given storage media, to deactivate at least one record/play element based on a mere existence of a pre-recorded signal already recorded on the given storage media, as detected by a pre-existing information signal detection element. Claims 9, 11, 13-16, 18, 20 and 22 recite a system and method of detecting a pre-existing video signal from a given video tape and deactivating a record circuit in a video cassette player based on a mere existence of a pre-existing video signal already recorded on the given video tape.

Thus, claims 1, 3, 5-9, 11, 13-16, 18, 20 and 22 recite a system and method of detecting a pre-existing video signal from a given storage media and deactivating a record/play element/record circuit based on a mere existence of a pre-recorded signal/ pre-existing video signal already recorded on the given storage media, with the detection and deactivation being performed for the same given storage media.

In response to Applicant's previous arguments that Okamoto fails to disclose detection and deactivation being performed for the same storage media, the Examiner contends in the Response to Arguments section of the Office Action that "Okamoto discloses a recording/reproducing control circuit for controlling recording/reproducing operation. Okamoto discloses the analog signal is recorded (see col. 3 lines 1-5). Okamoto further discloses a control signal detection circuit for detecting a control signal contained in the analog video signal. Okamoto further discloses control information is recorded on the magnetic tape. Okamoto further discloses in the control signal detection circuit,

copy information contained in the analog video signal is detected. Okamoto further discloses inhibition of copy is performed in accordance with contents of copy information (see col. 3 lines 12-25)."

Thus, from all of the Examiner contentions of what Okamoto allegedly discloses the Examiner fails to show that Okamoto discloses detection and deactivation being performed for the same storage media. Okamoto's invention is directed toward preventing copying/reproducing of video signals. Okamoto's copying/reproducing entails two storage media, the storage media that a video signal will be recorded on (magnetic tape 14), i.e., a blank tape, and a second storage media (not shown but providing a video signal on input 12) that contains the video signal to be copied/reproduced, i.e., the original content tape. Okamoto does not disclose copying/reproducing being performed on the same storage media. Thus, Okamoto fails to disclose detection and deactivation being performed for the same given storage media, as recited by claims 1, 3, 5-9, 11, 13-16, 18, 20 and 22.

Moreover, the Applicant previously pointed out that Okamoto relies on a "control signal" as described throughout the specification to prevent copying/reproducing. Okamoto lacks the ability to control copying/reproducing based on a mere existence of a pre-recorded signal/ pre-existing video signal already recorded on the given storage media, as recited by claims 1, 3, 5-9, 11, 13-16, 18, 20 and 22. The Examiner has failed to address much less refute Applicant's previous arguments that Okamoto relies on a "control signal" as input on analog input 12 to control copying/reproducing. As such, Applicant traverses the Official Action as incomplete because it fails to answer the material traversed. (See MPEP §707.07(f) "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it."). Because the Office Action is incomplete, the Applicant respectfully contends that the Examiner must withdraw the Finality of the Office Action to address all of the Applicant's arguments.

A benefit of a system and method of detecting a pre-existing video signal from a given storage media and deactivating a record/play element/record circuit based on a mere existence of a pre-recorded signal/ pre-existing video

signal already recorded on the given storage media, with the detection and deactivation being performed for the same given storage media is, e.g., preventing accidental overwriting of information on a storage media. In many instances a user may have forgotten that valuable information had already been recorded on a storage media. A user may then attempt to record on the storage media, without the intent of losing the valuable information. The claimed features prevent a user from overwriting the valuable information. Okamoto's invention is directed toward preventing copying/reproducing a video signal, i.e., lacking any application toward preventing a user from overwriting valuable information.

For these and other reasons, claims 1, 3, 5-9, 11, 13-16, 18, 20 and 22 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claims 2, 10 and 17 over Okamoto in view of Takayama**

Claims 2, 10 and 17 were rejected under 35 USC 103(a) as allegedly being obvious over Okamoto in view of U.S. Pat. No. 6,134,066 to Takayama ("Takayama"). The Applicant respectfully traverses the rejection.

Claim 2, 10 and 17 recite a system and method of detecting a pre-existing video signal from a given storage media and deactivating a record/play element/record circuit based on a mere existence of a pre-recorded signal/ pre-existing video signal already recorded on the given storage media, with the detection and deactivation being performed for the same given storage media.

As discussed above, Okamoto fails to disclose or suggest a system and method of detecting a pre-existing video signal from a given storage media and deactivating a record/play element/record circuit based on a mere existence of a pre-recorded signal/ pre-existing video signal already recorded on the given storage media, with the detection and deactivation being performed for the same given storage media, as recited by claims 2, 10 and 17.

Takayama is relied on to disclose a plurality of record/play elements at col. 4, lines 25-31 and in Fig. 3. However, even modifying Okamoto with Takayama's plurality of record/play elements fails to disclose or suggest a system and method of detecting a pre-existing video signal from a given storage

media and deactivating a record/play element/record circuit based on a mere existence of a pre-recorded signal/ pre-existing video signal already recorded on the given storage media, with the detection and deactivation being performed for the same given storage media, as recited by claims 2, 10 and 17.

For these and other reasons, claims 2, 10 and 17 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claims 4, 12 and 19 over Okamoto in view of Yuen**

Claims 4, 12 and 19 were rejected under 35 USC 103(a) as allegedly being obvious over Okamoto in view of U.S. Pat. No. 6,487,362 to Yuen ("Yuen"). The Applicant respectfully traverses the rejection.

Claim 4, 12 and 19 recite a system and method of detecting a pre-existing video signal from a given storage media and deactivating a record/play element/record circuit based on a mere existence of a pre-recorded signal/ pre-existing video signal already recorded on the given storage media, with the detection and deactivation being performed for the same given storage media.

As discussed above, Okamoto fails to disclose or suggest a system and method of detecting a pre-existing video signal from a given storage media and deactivating a record/play element/record circuit based on a mere existence of a pre-recorded signal/ pre-existing video signal already recorded on the given storage media, with the detection and deactivation being performed for the same given storage media, as recited by claims 4, 12 and 19.

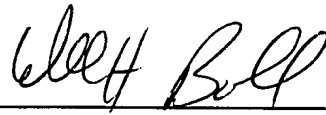
Yuen is relied on to disclose a stationary record/play element at col. 91, lines 47-55. However, even modifying Okamoto with Tuen's stationary record/play element fails to disclose or suggest a system and method of detecting a pre-existing video signal from a given storage media and deactivating a record/play element/record circuit based on a mere existence of a pre-recorded signal/ pre-existing video signal already recorded on the given storage media, with the detection and deactivation being performed for the same given storage media, as recited by claims 4, 12 and 19.

For these and other reasons, claims 4, 12 and 19 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W H Bollman', written over a horizontal line.

William H. Bollman  
Reg. No. 36,457

**MANELLI DENISON & SELTER PLLC**

2000 M Street, NW 7<sup>th</sup> Floor  
Washington, DC 20036-3307  
TEL: (202) 261-1020  
FAX: (202) 887-0336  
WHB/df